

effective amount of an oligosaccharide or polysaccharide produced according to claim 15.--

Add the following new claims 15-23.

B3  
Sub C1  
~~--15. A process of producing a fructo-oligosaccharide or fructo-polysaccharide, comprising forming a mixture by combining sucrose with at least one reaction partner selected from the group consisting of:~~

~~a) a protein having fructosyltransferase activity, which exhibits at least 65% amino acid identity, as determined by a BLAST algorithm, with an amino acid sequence of SEQ ID No. 1 or 11, or a part thereof having at least 15 contiguous amino acids which are identical to the corresponding part of the amino acid sequence of SEQ ID No. 1 or 11,~~

~~b) a recombinant host cell containing one or more copies of a nucleic acid construct gene encoding for said protein (a) and capable of expressing said protein; and~~

~~c) a *Lactobacillus* strain expressing protein (a) having fructosyltransferase activity,~~

~~wherein said reaction partner interacts with sucrose to produce a fructo-oligosaccharide or fructo-polysaccharide.~~

~~--16. The process according to claim 15, wherein said protein exhibits at least 75% amino acid identity with the amino acid sequence of SEQ ID No. 1 or 11.~~

--17. The process according to claim 15, wherein said protein exhibits at least 85% amino acid identity with the amino acid sequence of SEQ ID No. 1 or 11.

*Sub C2*  
*B3*  
~~--18. The process according to claim 15, wherein said protein produces an inulin having  $\beta(2-1)$  linked D-fructosyl units and/or a levan having  $\beta(2-6)$  linked D-fructosyl units and/or fructo-oligosaccharides.~~

--19. The process according to claim 15, wherein said protein is a recombinant protein.

*Sub C3*  
~~--20. A process according to claim 16, further comprising chemically modifying said oligosaccharide or polysaccharide by 3,4-oxidation, 1-or 6-oxidation, phosphorylation, acylation, alkylation, hydroxyalkylation, carboxymethylation, amino-alkylation of one or more anhydrofructose units of a fructan containing a degree of polymerization of at least 100 units, or by hydrolysis.~~

--21. The process according to claim 15, further comprising adding a food-grade vehicle to said mixture to obtain a prebiotic composition.

*Sub C4*  
~~--22. The process according to claim 15, further comprising adding to said mixture a *Lactobacillus* strain capable~~

Sub C4  
of producing an oligosaccharide or polysaccharide and optionally a food-grade vehicle, to obtain a symbiotic composition.

B3  
Sub C5  
--23. A process of producing a fructo-oligosaccharide or fructo-polysaccharide, comprising combining sucrose and a protein to form a mixture, said protein has fructosyltransferase activity, which exhibits at least 65% amino acid identity, as determined by a BLAST algorithm, with an amino acid sequence of SEQ ID No. 1 or 11, or a part thereof having at least 15 contiguous amino acids which are identical to the corresponding part of the amino acid sequence of SEQ ID No. 1 or 11, and

interacting said sucrose with said protein to produce said fructo-oligosaccharide or fructo-polysaccharide.--

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Please charge the fee of \$168 for the two extra independent claims added herewith, and \$36 for the two extra claims of any type, to our Deposit Account No. 25-0120.

REMARKS

Responsive to the restriction requirement set forth in the outstanding Official Action, applicant hereby provisionally elects Group III, claim 10, with partial traverse.

Claim 10 has been canceled and new claims 15-23 have been added. New claims 15-23 recite the subject matter of original claim 10. It is respectfully submitted that new claims